

Sept 11, 2009

LICENSING PROCESSES

NEW SECTION

**WAC 308-124A-700 Application for a license--
Fingerprinting.** (1) New Applicants~~applicants~~ applying for
their first broker's license under chapter 18.85 RCW will be
required to submit a fingerprint ~~identification~~card.

(2) Applicants applying for their first managing broker's
license using alternative qualifications will be required to
submit a finger print card.

(3) Fingerprint cards and background checks are required
for renewal every six years. If the department background check
was within the last six years, then no new background check is
required to activate a license.

(4) An application submitted without the required
fingerprint card is considered incomplete.

~~(2) If a fingerprint card identification is requested, an
application without a fingerprint card is considered an
incomplete application.~~

~~(3) Fingerprints and background checks are required for
renewal every six years. If a DOL background check was within
the last six years, then no new background check is required to~~

~~activate a license.~~

(~~4~~5) When a fingerprint card is rejected, the licensee or applicant must submit to the department a new fingerprint card within twenty-one calendar days of written notice to the address of record with the real estate program. Failure to submit a new fingerprint card will result in a suspension of the real estate license until the fingerprint card is received by the department.

(~~5~~6) If the fingerprint card is rejected three times, the applicant must pay a new fee for fingerprinting and background processing.

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NEW SECTION

WAC 308-124A-705 Application examination process. (1) Any person desiring to take an examination for a broker license must:

~~(1) (a) Provide a completed examination application on the day of the exam including evidence satisfactory to the department of having successfully completed an approved sixty clock hour fundamentals course, and a thirty clock hour practices course to the testing service. Any person desiring to take an examination for a broker license,~~

~~(b) contact the testing service at least one day prior to the desired test date to schedule and pay for an examination except applicants who have received clock hours in another jurisdiction, which have not been approved by the department or applicants who are requesting substitution of clock hours per WAC 308-124A-755, shall contact the testing service at least one day prior to the desired test date to schedule and pay for an examination. On the day of the examination, the candidate shall submit a completed examination application together with any supporting documents, including evidence satisfactory to the department of having successfully completed an approved sixty clock hour fundamentals course, and a thirty clock hour practices course to the testing service approved by the department.~~

(2) Any person desiring to take an broker or managing broker license examination ~~for a broker license~~ who received clock hours in another jurisdiction:

(a) must submit proof of education to be substituted for clock hours required under WAC 308-124A-755.~~which have not been approved by the department or broker applicants who are requesting substitution of clock hours per WAC 308-124A-755, must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the real estate program of the department of licensing.~~ After receiving notice that the qualifications for the examination have been verified by the department, the candidate shall contact the testing service at least one day prior to the desired test date to schedule and pay for an examination.

(b) must provide a completed examination application to the testing service on the day of the examination. ~~On the day of the examination, the candidate shall submit the approved examination application to the testing service.~~

~~(3) Any person desiring to take an examination for a real estate managing broker license, including applicants who have received clock hours in another jurisdiction which have not been approved by the department or managing broker applicants who are requesting substitution of clock hours per WAC 308-124A-755, must submit a completed examination application with supporting~~

~~documents, including evidence satisfactory to the department of having successfully completed an approved thirty clock hour course in advanced real estate law, thirty clock hour course in brokerage management and a thirty clock hour course in business management to the real estate program of the department of licensing. After receiving notice that the qualifications for the examination have been verified by the department, the candidate shall contact the testing service at least one day prior to the desired test date to schedule and pay for the examination. On the day of the examination, the candidate shall submit the approved examination application to the testing service.~~

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NEW SECTION

WAC 308-124A-707 Exam scheduling. (1) Candidates requesting a morning or afternoon exam will be scheduled immediately for an examination and will be provided a registration number confirming their reservation. On the day of the examination, the candidate shall submit the approved completed examination application to the testing service.

(2) A candidate shall be assessed the full examination fee for any examination in which the candidate fails to provide two

days notice to the testing service for changing their examination date or for failing to arrive and take an examination at the time the examination is scheduled or rescheduled.

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NEW SECTION

WAC 308-124A-710 Successful applicants must apply for a license. Examination results are valid for one year only. Any person who has passed the examination for broker or managing broker must become licensed within one year from the date of such examination. You will be required to take and pass another examination if you do not comply with this provision.

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NEW SECTION

WAC 308-124A-713 Application for managing broker license examination, other qualification or related experience.

Applications for a managing broker license examination by persons who do not possess three years of actual experience as a full-time broker as required by RCW 18.85.111 who show qualification by reason of practical experience in a business allied with or related to real estate shall be submitted to the real estate program. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with supporting documentation, and a letter from each of five business references describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of experience which may qualify in lieu of three years of full-time broker experience:

(1) Postsecondary education with major study in real estate together with one year experience as a real estate broker or one year experience under the provisions of subsections (2) through (7) of this section.

(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision making responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience with a commercial bank, savings and loan association, title company or mortgage company, involving all details of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods ~~in these guidelines~~ referenced in WAC 308-124A-713 shall be within the last seven years prior to the date of application. ~~RCW 18.85.111.~~

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NEW SECTION

WAC 308-124A-715 Unsuccessful managing broker applicants--
~~**-loss of waiver privilege.**~~ **Alternate qualifications.** ~~The~~
managing broker applicant who is approved to take the exam based
upon alternate qualifications and subsequently fails the exam is
not permitted to repeat the exam unless they satisfy the
requirements in RCW 18.85.111. ~~Whenever any applicant for a~~
~~managing broker's license receives a waiver from the requirement~~
~~of three years of actual experience as a full-time broker based~~
~~upon approval of alternative qualifications, but subsequently~~
~~fails to pass the managing broker's examination, the applicant~~
~~shall lose the privilege of the waiver and must satisfy the~~
~~requirements as provided in RCW 18.85.041.~~

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NEW SECTION

WAC 308-124A-720 Application for real estate examination, licensed in another jurisdiction. (1) Any person applying for a broker or managing broker examination who is actively licensed in the same or greater capacity in another jurisdiction and has maintained his or her license in good standing or who was actively licensed in the same or greater capacity in good standing within the preceding six months is only required to take the Washington law portion of the examination.

(2) Any person applying to take the examination under this section ~~shall submit an examination application approved by the department and~~ shall submit evidence of licensure in another jurisdiction by a license verification form completed by ~~an administrative officer of~~ the licensure authority in such jurisdiction.

(3) After receiving notification that the qualifications for the examination have been verified by the department, the candidate shall contact the testing service at least one day prior to the desired test date to schedule and pay for an examination. Candidates requesting a morning or afternoon exam shall be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall

submit at the test site the approved examination application and any supporting documents required by the department.

(4) The director, upon advice of the Washington state real estate commission, may consider entering into written recognition agreements with other jurisdictions which license brokers and managing brokers similarly to Washington state. The recognition agreement(s) shall require the other jurisdiction to grant the same licensing process to licensees of Washington state as is offered by Washington state to license applicants from other jurisdictions.

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NEW SECTION

**WAC 308-124A-725 Application for license or endorsement—
~~Interim license.~~ (1)** A person who desires to be licensed as a real estate broker, managing broker or endorsed as a branch manager or designated broker, shall make application on a form approved by the director and the broker and managing broker application shall be signed by the designated broker to whom the license will be issued. The branch manager may sign for the designated broker for licenses to be issued to that branch office.

WAC 308-124A-727 Application as broker license for interim period.

~~(2) Applicants for a broker's license may commence working on or after the postmark date of delivery to the Department, or on or after the date of hand delivery to the real estate program, of the following:~~

~~(1) Notice of passing the examination,~~

~~(2) License application form,~~

~~(3) Fingerprint card, and~~

~~(4) License and fingerprint fees.~~

~~The completed license application form shall serve as an interim license for a period up to forty five days unless grounds exist to take disciplinary action against the license under RCW 18.235.130, RCW 18.85.361.~~

~~Upon receipt of notice of passage of the examination, license application form and fee, applicants for a brokers license may commence working upon the postmark date to the department or date of hand delivery to the real estate program. The completed license application form, shall serve as an interim license for a period up to forty five days unless grounds exist to take disciplinary action against the license under RCW 18.85.235.~~

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NEW SECTION

WAC 308-124A-730 Broker, managing brokers--Termination of services. (1) A person licensed as a broker or managing broker may perform duties and activities only under the direction and supervision of a licensed managing broker, branch manager or designated broker and as a representative of the firm. This licensed relationship may be terminated unilaterally by either the broker, managing broker, branch manager or designated broker.

(a) All terminations shall be by written notice by the broker or managing broker, or branch manager to the designated broker or the designated broker's delegated representative; or by the designated broker to the broker, managing broker or branch manager.

(b) All notices of termination shall be given to the ~~director~~ real estate program without delay and such notice shall be accompanied by and include the surrender of the real estate license.

(c) The managing broker, branch manager or designated broker may not condition his or her surrender of license to the ~~director~~ real estate program upon performance of any act by the broker or managing broker.

(d) If the license cannot be surrendered because the

managing broker or designated broker is conditioning the surrender of the license, the licensee shall so advise the department in writing.

(e) Upon receipt of the licensee's written statement about the ~~designated broker, managing broker or branch manager~~ conditioning the release of the license, the ~~department real estate program~~ shall process the release or the license transfer.

(f) The termination date shall be the postmark date or date the license is hand delivered to the ~~department~~real estate program.

(2) If the license cannot be surrendered to the ~~department real estate program~~ because the license has been lost, the licensee and the responsible managing broker, branch manager or the designated broker shall ~~complete-submit~~ a letter of release. No license transfers shall be permitted unless the license is surrendered or the letter of release is ~~completed-submitted~~ and filed with the ~~department~~real estate program.

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NEW SECTION

WAC 308-124A-735 Firm applicants for licenses--Proof required. The minimum qualifications for ~~a corporation, limited liability company, limited liability partnership, partnership or sole proprietor to receive~~ a firm license are:

(1) An officer in the corporation, a manager or member in the limited liability company, a partner in the limited liability partnership or a general partner in the partnership, shall be designated as the broker and shall separately qualify for a valid designated broker's license. ~~T~~The firm and the designated broker are each required to pay a ~~single~~ license and license renewal fee.

(2) If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

(3) If the firm is a corporation, the firm shall furnish a copy of the articles of incorporation.

~~(3) Licenses issued to firms expire two years from the date of issuance which date shall be the renewal date.~~

(4) If the applicant is a sole proprietorship, it shall furnish a completed application and a fee.

(5) Licenses issued to firms expire two years from the date of issuance.

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NEW SECTION

WAC 308-124A-740 Firm license renewal. Proof required.
Applicants for renewal of a firm license shall furnish proof of
current master business license renewed by authority of the
secretary of state.

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NEW SECTION

WAC 308-124A-750 Application for managing broker license examination--Clock hour requirements.

(1) Applicants for the managing broker's examination shall have successfully completed ninety clock hours of approved real estate instruction in addition to any other clock hours completed and used to satisfy requirements of chapter 18.85 RCW. Instruction must include a course in advanced real estate law, a course in real estate brokerage management, and a course in business management. All courses completed to satisfy this requirement must be approved subject matter as defined in WAC 308-124H-820 and be at least thirty clock hours in length and include a comprehensive examination. Courses must be completed within three years prior to applying for the managing broker's examination.

(2) Courses in advanced real estate law, real estate brokerage management, and business management, used to satisfy continuing education requirements within three years of applying for the managing broker's examination shall satisfy the requirements of subsection (1) of this section provided the applicant successfully completed a comprehensive examination. Licensees will be required to provide additional approved course work if they have submitted real estate law, brokerage management, or business management education classes to satisfy

any other continuing educational requirementss.

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NEW SECTION

WAC 308-124A-755 Substitution of clock hours. (1) The director may allow for substitution of the clock hour requirements in RCW 18.85.141 and 18.85.111 if the individual is qualified by ~~reason of completion~~ completing ~~of~~ equivalent educational course work in any institution of higher education or degree granting institution.

(2) Individuals requesting approval for real estate equivalent educational course work shall submit a transcript of course work completed from an institution of higher education or a degree granting institution together with an application for the license examination. The department may also require certification from an authorized representative of the institution of higher education or degree granting institution that the course work satisfies the department's prescribed course content or curriculum for a given course(s).

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NEW SECTION

WAC 308-124A-760 Grading of examinations. (1) To pass the broker examination a minimum scaled score of 70 is required on each portion. The broker examination shall consist of two portions:

(a) The national portion consisting of questions that test general real estate practices; and

(b) The state portion consisting of questions that test on Washington laws and regulations related to real estate licensing.

(2) To pass the managing broker examination a minimum scaled score of 75 is required on each portion. The managing broker examination shall consist of two portions:

(a) The national portion consisting of questions that test general real estate brokerage practices; and

(b) The state portion consisting of questions that test on Washington laws and regulations related to real estate licensing, and the closing/settlement process.

(3) A passing score for a portion of an examination is valid for a period of six months.

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NEW SECTION

WAC 308-124A-765 Reexamination. An applicant who failed the examination or failed to appear for a scheduled examination may apply for reexamination by contacting the testing service to schedule and pay for an examination. Managing broker exam applicants who applied ~~for a waiver~~using alternate qualifications and failed the examination must comply with the provisions of WAC 308-124A-750.

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NEW SECTION

WAC 308-124A-770 Examination procedures. (1) Each applicant will be required to present one piece of valid government issued photo-bearing identification. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants are prohibited from:

(a) Talking to other examinees during the examination unless specifically directed or permitted to do so by a test

monitor.

(b) Attempting to communicate or record any information.

(c) Using unauthorized materials during any portion of the examination.

(d) Removing test materials and/or notes from the testing room.

(e) Disruptive behavior.

(3) Applicants who participate in any activity listed in subsection (2) of this section will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

(4) Any applicant who was removed from the testing site for any of the reasons listed in subsection (2) of this section will be required to submit a letter to the department requesting permission to retest and stating the circumstances of the event. After receipt of the applicant's letter, the department will review the proctor's report and the applicant's letter and may deny testing for up to one year.

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NEW SECTION

WAC 308-124A-775 Real estate fees. These fees are applicable to all original licenses, examination services, and fee generating services issued or performed after July 1, 2010, and all renewals for existing licenses with expiration date after July 1, 2010. The fees for an original license and renewal include a ten dollar fee which is assessed for the real estate research center. The following fees shall be charged by the department of licensing:

Title of Fee	Fee
Real estate managing broker:	
Application/examination/ fingerprint processing	\$188 <u>138.25</u> *
Reexamination	?? 138.25
Original license	210.00 <u>146.25</u>
License renewal	210.00 <u>146.25</u>
Late renewal with penalty	236.50 <u>172.75</u>
Certification	26.50
Name or address change, transfer or license activation	0.00
*Includes fingerprint processing	
Real estate managing broker—	??
Branch office:	
Application/examination	\$138.25 <u>\$199.5</u>
Original license	0
Reexamination	199.50 <u>138.25</u>
License renewal	
License renewal	210.00
Late renewal with penalty	226.00 <u>236.50</u>
<u>Certification</u>	<u>26.50</u>

<u>Name or address change,</u> <u>transfer or license</u> <u>activation</u>	0.00
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Real estate firm:

Original license	\$210.00
License renewal	210.00
Late renewal with penalty	236.50
Name or address change	0.00

Real estate ~~broker~~branch:

Application/examination/ fingerprint processing Reexamination	\$188.25*?? 138.25
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Original license	146.25 189.50
License renewal	146.25 210.00
Late renewal with penalty	172.75 236.50

Certification	26.50
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Name or address change, transfer or license activation	0.00
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~~*Includes fingerprint processing.~~ ??

Fingerprint Processing \$50.00

~~Applicants will be responsible for submitting the
fingerprints to the department. Fingerprint processing
does not include the cost of fingerprinting. Fingerprinting
fee does not include the cost of obtaining prints.
Applicants will be responsible for obtaining their
fingerprint for their cards.~~

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NEW SECTION

WAC 308-124A-780 Reinstatement of a canceled license for nonpayment of renewal fee. Any person desiring to be reinstated as a real estate licensee within two years of cancellation may have their license reinstated by satisfying either of the following options:

(1) Submission of an application to the director providing proof of the following:

(a) Successful completion of sixty clock hours of approved real estate course work completed within one year preceding the application for reinstatement. A minimum of thirty clock hours must include the real estate law ~~course specified in WAC 308-124H-805;~~

(b) Payment of all back renewal fees with penalty at the current rate; and

(c) Payment of a reinstatement penalty fine of one hundred dollars; or

(2) Satisfy the procedures and qualifications for initial licensing, including the following:

(a) Successful completion of any applicable licensing examinations; and

(b) Successful completion of required courses pursuant to RCW 18.85.101 and/or 18.85.111, whichever is applicable, within

three years preceding the application for reinstatement.

(3) Former licensees canceled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

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NEW SECTION

WAC 308-124A-785 Broker first active license renewal. The minimum requirements for a broker to be issued the first renewal of an active license are:

(1) The broker has furnished proof of successful completion of ninety clock hours ~~within three years~~ commenced after the date first licensed, from a prescribed curriculum approved by the director, including real estate law, advanced practices and thirty hours in approved continuing education including the core curriculum.

(2) The broker must pass course examinations approved by the director.

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NEW SECTION

WAC 308-124A-790 Continuing education clock hour requirements. A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.85.211, in the manner and on forms prescribed by the department.

(1) A licensee applying for renewal of an active license shall submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director and commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of the licensee's current renewal date, and a portion of that fifteen must include three hours of the prescribed core curriculum defined in WAC 308-124A-800. Up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date. Failure to report successful completion of the prescribed core curriculum clock hours shall result in denial of license renewal.

(2) The thirty clock hours shall be satisfied by evidence of completion of approved real estate courses as defined in WAC 308-124H-820. A portion of the thirty clock hours of continuing education must include three clock hours of prescribed core

curriculum defined in WAC 308-124A-800.

(3) Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

(4) A licensee shall not place a license on inactive status to avoid the continuing education requirement. A licensee shall submit evidence of completion of continuing education clock hours to activate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

(5) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(6) Clock hour credit for continuing education shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Course(s) was taken to activate an inactive license pursuant to RCW 18.85.265(3);

(c) Course(s) submitted to satisfy the requirements of RCW 18.85.101 (1)(c), broker's license, RCW 18.85.211, 18.85.111, broker's license and WAC 308-124A-~~570~~780, reinstatement.

(7) Instructors shall not receive clock hour credit for teaching or course development.

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NEW SECTION

WAC 308-124A-800 Defining prescribed core curriculum. A licensee shall submit to the department evidence of satisfactory completion of at least three clock hours of core curriculum continuing education approved by the director. Core curriculum continuing education is a specific course of study, recommended by the real estate commission for approval by the director that provides practical information on contemporary issues relating to the practices of real estate. The commission may recommend multiple core curricula to address residential, commercial, and property management disciplines or may recommend approval of the same core curriculum if appropriate. Core curriculum may be developed in a separate three clock-hour course or may be three clock hours contained within an approved thirty or less clock-hour course. Core curriculum must be completed within twenty-four months of the licensee's renewal date. Core curriculum commenced within thirty-six months but more than twenty-four months prior to the licensee's renewal date, may not count towards the core curriculum requirement, but may apply as regular continuing education credit for renewal.

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NEW SECTION

WAC 308-124A-805 Placeholder--ReservedAddress on designated brokers license. The address on the designated broker's license will be the location where the designated broker is the managing broker.

The real estate program will register each firm address where the designated broker accepts ensorsement from other firms.

~~Broker will post copies of the license at the location of each firm where they are the designated broker. Redundant?~~

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NEW SECTION

WAC 308-124A-815 Firm names--Name prohibited. (1)
Department can deny, suspend, reject firm names or assumed names that are in the department's opinion: Derogatory, similar or the same as other licensed firm names, implies that it is a public agency or government, implies nonprofit or research organization.

(2) A real estate firm shall not be issued a license nor advertise in any manner using names or trade styles which are similar to currently issued licenses or imply that the real estate firm is a nonprofit organization, research organization, public bureau or public group. A bona fide franchisee may be licensed using the name of the franchisor with the firm name of the franchisee.

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NEW SECTION

WAC 308-124A-825 Change of designated broker. Submit a statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, pending transactions, and certifying sufficient funds are in trust to meet client trust liabilities. ~~LIST ALL REQUIREMENTS?~~

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NEW SECTION

WAC 308-124A-830 Firm closing--Designated broker responsibility. Designated brokers will be responsible for providing the department a closing firm affidavit when closing the firm.

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NEW SECTION

WAC 308-124A-835 Courses completed in other jurisdictions. A course completed in another jurisdiction may be approved for clock hour credit if:

(1) The course was offered by a tax-supported, public technical or community college, or any other institution of higher learning, and the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter;

(2) The course was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate

licensing agency in that jurisdiction; or

(3) If the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter.

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